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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 29 May 2002 from the Permanent Representative of Finland to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of Finland presents her compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and, with reference to his note dated 7 March 2002, has the honour to communicate the following information concerning the implementation of the United Nations sanctions against Usama bin Laden, members of the Al-Qaida organization and of the Taliban, as well as other individuals, groups, undertakings and entities associated with them as established by Security Council resolution 1390 (2002).

Freezing of assets

As a general rule, the imposition of financial sanctions and the implementation of United Nations Security Council resolutions imposing financial sanctions fall within the competence of the European Community. The respective United Nations resolutions are implemented in the Community through Council regulations, which are directly applicable legislation in the member States of the European Union.

On 27 May 2002, the Council of the European Union adopted a Common Position (2002/402/CFSP) concerning the restrictive measures against Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them.

Following the adoption of the above-mentioned Common Position, on 27 May 2002, the Council of the European Union also adopted a regulation (EC) No. 881/2002 imposing certain specific restrictive measures, in particular financial sanctions, directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, in accordance with the above-mentioned Security Council resolution 1390 (2002). The said Regulation and Common Position, which are enclosed for your information,* have been in force as from 29 May 2002.

* The enclosure referred to in the report is on file with the Secretariat, room S-3055, and is available for consultation.

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At the national level, sanctions imposed by the Security Council or the European Union are implemented by virtue of the Act on the Enforcement of Certain Obligations of Finland as a Member of the United Nations and of the European Union ("Sanctions Act", 659/1967, as amended by the following acts: Nos. 705/1997, 191/2000 and 364/2002). The Act authorizes the implementation of binding Security Council resolutions and European Union sanctions imposed under certain provisions (articles 60, 301 or 308) of the Treaty establishing the European Union. According to chapter 46, section 1 (11) of the Finnish Penal Code, a person who violates or attempts to violate a regulatory provision in a sanctions regulation adopted on the basis of articles 60, 301 or 308 of the Treaty establishing the European Community shall be sentenced for a regulation offence to a fine or to imprisonment for, at most, four years.

The Ministry of Foreign Affairs is responsible for the implementation and monitoring of financial sanctions. In the case of European Union sanctions, the Ministry of Foreign Affairs issues a notification to be published in the Statute Book informing of the sanctions and forfeitures to be imposed for violations of the relevant regulations. In the absence of European Union decisions, binding Security Council sanctions resolutions are implemented by an implementing decree. The financial supervision authority is requested to provide information to the Ministry of Foreign Affairs on any suspicious accounts or any decisions made by financial institutions under its supervision to freeze accounts of targeted individuals or entities.

Thus far accounts belonging to the persons designated by virtue of Security Council resolutions 1267 (1999) and 1333 (2000) have not been found in Finland.

Travel ban

The above-mentioned Common Position (2002/402/CFSP) obliges the Member States, inter alia, to take the necessary measures to prevent the entry into, or transit through, their territories of individuals as designated by the Security Council Committee established pursuant to resolution 1267 (1999). The competent Finnish officials are informed of the obligations under resolution 1390 (2002) and the Common Position. No visas for entry into Finland are issued to such designated individuals.

Arms embargo

The Common Position mentioned above prohibits the direct or indirect supply, sale and transfer to the individuals designated by the Committee established pursuant to resolution 1267 (1999) of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, from the territories of the States members of the European Union or using their flag vessels or aircraft, or by nationals of the States members of the European Union outside their territories, under the conditions set out in Security Council resolution 1390 (2002).

The Common Position, and also the above-mentioned regulation, prohibit the granting, selling, supply or transfer, directly or indirectly, of technical advice, assistance or training related to military activities, including, in particular, training and assistance related to the manufacture, maintenance and use of arms and related

materiel of all types, to any natural or legal person, group or entity designated by the Security Council Committee.

At the national level, the arms embargoes imposed by the Security Council or the European Union are implemented by virtue of the Act on the Export and Transit of Defence Materiel (Act No. 242/1990, as amended by Act No. 197/1995). According to section 7 of the Act, a person who commits an export crime shall be fined or imprisoned for a maximum period of four years. As for the obligations generating from the Regulation, the sanctions act is also applicable.